

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>NATIONAL CREDIT UNION</b>	)	
<b>ADMINISTRATION BOARD,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. 11-2649-JAR-KGS</b>
<b>v.</b>	)	
	)	
<b>WACHOVIA CAPITAL MARKETS, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER GRANTING MOTION TO CONSOLIDATE**

Plaintiff National Credit Union Administration Board (“NCUAB”) brings this action against Defendant Wachovia Capital Markets, LLC, alleging violations under Sections 11 and 12(a) of the 1933 Securities Act and under the Kansas Uniform Securities Act for alleged misstatements in certain offering documents. Plaintiff previously filed a substantially similar complaint in the case *National Credit Union Administration Board v. RBS Securities, Inc., et al.*, No. 11-2340-RDR-KGS. In the instant case, Defendant is the underwriter of certain residential mortgage backed securities at issue in the first case. Defendants in both cases have pending motions to dismiss raising common issues, including whether NCUAB’s claims are barred by the statute of repose and the statute of limitations.

This matter is now before the Court on Defendant’s Motion to Consolidate for Purposes of Pretrial Proceedings and Trial (Doc. 20). Pursuant to Fed. R. Civ. P. 42(a), the Court may consolidate actions that involve a common question of law or fact. The decision to consolidate is left to the discretion of the district judge.<sup>1</sup> It is clear to this Court that these cases contain

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<sup>1</sup>See *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978).

common questions of fact and law and that consolidation would serve the interest of judicial efficiency.<sup>2</sup>

**IT IS THEREFORE ORDERED BY THE COURT** that Defendant's Motion to Consolidate (Doc. 20) is GRANTED; Case No. 11-2649-JAR is consolidated with Case No. 11-2340-RDR-KGS, and that Case No. 11-2340-RDR-KGS shall be designated the lead case. Magistrate Judge K. Gary Sebelius shall be assigned the presiding Magistrate Judge for this consolidated action.

**IT IS SO ORDERED.**

Dated: June 1, 2012

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>See *McCoy v. Whirlpool Corp.*, No. 02-2064-KHV, 2003 WL 124531, at \*2 (D. Kan. Jan. 12, 2003) (“In exercising discretion, the court should consider whether judicial efficiency is best served by consolidation.”).